

**Ad Hoc Tree Committee
Meeting Notes
January 5, 2016**

Committee Members in Attendance: Jon Quitslund, Roger Townsend, Sarah Blossom, Mack Pearl

COBI Staff: Jennifer Sutton, Josh Machen

Public: Charles Schmid, Olaf Ribeiro

The meeting began soon after 9 a. m. with some discussion of the Notes from the previous meeting (12/8/15). Jon called attention to some inaccuracies that had come to light after the draft was sent out, and Roger questioned the need for details above and beyond what was decided. Revised notes will be distributed before the next meeting.

There was some discussion of clearing permits, picking up a topic from the end of the previous meeting. Will every development project need a clearing permit? Josh thought not. Jennifer observed that when there is clearing to be done, the limits must be clearly defined.

Jennifer called for discussion of the Vegetation Management chapter (BIMC 16.22), and the committee began a freewheeling conversation about the applicability of the chapter, its cumbersome provisions, and what should or could be done to improve it.

Can the valuable provisions in the V. M. chapter be combined with those in the Land Clearing chapter, making clear which provisions apply to undeveloped land and properties that can be further subdivided, and which apply to residential lots already developed? Sarah has often said that the regulations for clearing should all be brought together in one place, and no one has disagreed.

BIMC 16.22 was created by Ordinance 97-07 in February, 1997, and it has not been modified, but some provisions were invalidated in 2002 by a state Supreme Court decision (Isla Verde Int'l Holdings, Inc. v. City of Camas). Currently, when forested acreage is cleared for a subdivision, a Vegetation Management permit may be required but the V. M. chapter is not pertinent. Some of the chapter's provisions are applicable when acres of forestland are being cleared or selectively logged for eventual residential development. Josh remarked that the chapter probably should be used more.

Josh called attention to item B in 16.22.010 (Findings and declaration of purpose): COBI "considers all forested areas within its jurisdiction as 'lands with a likelihood of future conversion' from forest use as defined under WAC 222-16-060." (The WAC language stipulates 'conversion to urban development within a ten-year period.') Considering all the efforts undertaken by the Land Trust and private landowners to preserve forested acreage and open space, is this an appropriate 'declaration of

purpose' today? Jon observed that nothing is said in the chapter about stewardship of forested areas (but see 16.22.060, where either a Conversion Harvest Plan or a Selective Harvest Plan is required).

The cumbersome references to Class I, II, III, and IV forest practices permits are taken from state-level regulations, and the DNR is involved in some administration of vegetation management permits. Jon had seen in a King County publication, however, that all forest clearing within an urban growth boundary requires a Class IV permit. If this is the case, some impenetrable thickets in the chapter's verbiage could be cleared away. Could we see what a Class IV permit calls for, and might we decide that it would be required when something more than a Clearing Permit is needed?

Another cumbersome feature of the chapter is the matter of a six-year moratorium on development, and provisions for relief and release of the moratorium (16.22.075-095): is any of this pertinent to circumstances on Bainbridge Island today? (The Conversion Option Harvest Plan that's required for moratorium relief sounds like a good idea in any case, but it would be good to know what is allowed and what is required.)

Jennifer asked the committee what they wanted to achieve with the Vegetation Management chapter; and, at another point, what they wanted to achieve with a Vegetation Management permit (i. e., a large-scale clearing permit). Jennifer distributed copies of the flow chart developed for the Land Clearing chapter, which indicates when the two types of permit are required. (Also, a complicated 'Flowchart for timber harvests' is appended to the Vegetation Management chapter.)

Jon said that the chapter should be cleaned up and made more relevant to current conditions, especially in the R-0.4 zone, where there are opportunities for both conservation and development – and where development is not reliably compatible with conservation.

Can both the Land Clearing and Vegetation Management chapters be revised in such a way that stewardship of property is emphasized, and a balance is struck between conservation and development?

The next meeting is scheduled for January 19th.

Notes Approved: February 10, 2016